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SENATE BILL 1490

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10 and Title 55, Chapter 50, relative to certain alcohol-related offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-401(a)(2), is amended by deleting the language "ten one-hundredths of one percent (.10%)" and by substituting instead the language "eight-hundredths of one percent (.08%)".

SECTION 2. Tennessee Code Annotated, Section 55-10-406(f), is amended by deleting the language "or adult driving while impaired under § 55-10-418".

SECTION 3. Tennessee Code Annotated, Section 55-10-408, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-408. For the purpose of proving a violation of § 55-10-401(a)(1), evidence that there was, at the time alleged, eight-hundredths of one percent (.08%) or more by weight of alcohol in the defendant's blood shall create a presumption that the defendant's ability to drive was sufficiently impaired thereby to constitute a violation of § 55-10-401(a)(1).

SECTION 4. Tennessee Code Annotated, Section 55-10-418, is amended by deleting the section in its entirety and by substituting instead the following:

Section 55-10-418. (a) Effective July 1, 2001, the offense of adult driving while impaired is repealed.

(b) Nothing in the repeal of the offense of adult driving while impaired shall be construed to prohibit the state from using any conviction for such offense occurring prior to July 1, 2001, for any of the purposes set out in Tennessee Code Annotated §§ 55-10-403(d)(1)(A)(ii), 55-10-403(d)(1)(B)(i)(b), 55-10-403(d)(3), 55-10-403(g)(2), 55-10-403(o), 55-10-406(a)(3)(A), 55-10-603(2)(A)(x) and 55-50-502(c)(3)(ii).

SECTION 5. This act shall take effect June 30, 2003, the public welfare requiring it.